

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT FINBAR BROWN,

Plaintiff,

v.

PEACEHEALTH ST. JOSEPH HOSPITAL, *et al.*,

Defendants.

CASE NO. C16-0626-JCC

ORDER

This matter comes before the Court on Plaintiff's motion for relief from a final judgment (Dkt. No. 34). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby DENIES the motion for the reasons explained herein.

The facts of this case have been detailed in a previous order and the Court will not repeat them here. (*See* Dkt. No. 24.) On August 25, 2016, the Court dismissed Plaintiff's claims with prejudice and entered judgment against Plaintiff. (Dkt. Nos. 24, 25.) The Court's dismissal was affirmed by the Ninth Circuit. (Dkt. No. 33.) On February 5, 2019, Plaintiff filed a motion for relief from a final judgment, pursuant to Federal Rule of Civil Procedure 60(b). (Dkt. No. 34.) On February 19, 2019, Plaintiff filed another motion for relief from a final judgment, pursuant to Federal Rule of Civil Procedure 60(b), which is largely the same as the original motion. (Dkt. No. 41.)

1 Federal Rule of Civil Procedure 60(b) gives the Court discretion to relieve a party from a
2 final judgment or order if that party moves for relief “within a reasonable time” and
3 demonstrates any of six enumerated grounds for such relief. Fed. R. Civ. P. 60(b), (c).
4 Construing his motion broadly, Plaintiff’s motion alleges two grounds for relief—mistake and
5 fraud. (*See* Dkt. Nos. 34, 41.) However, Plaintiff has failed to make a timely request for relief on
6 the basis of alleged mistake or fraud. Rule 60(c) specifies that the “reasonable time” during
7 which a party may move for relief on the grounds of mistake or fraud is limited to one year after
8 entry of the order or judgment. Fed. R. Civ. P. 60(c)(1). The Court has no discretion to extend
9 that time. *See* Fed. R. Civ. P. 6(b)(2). Plaintiff’s motion, based on allegations of fraud and
10 mistake, was filed on February 5, 2019, over two years after judgment was entered on August 25,
11 2016. (*See* Dkt. No. 34.) Plaintiff’s motion is therefore untimely. For the foregoing reasons,
12 Plaintiff’s motion for relief from a final judgment (Dkt. No. 34) is DENIED.

13 DATED this 5th day of March 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE